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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,851	03/30/2004	Hyun Sook Kim	1594.1361	2334

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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10/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/811,851	Applicant(s) KIM ET AL.	
	Examiner Jason Heckert	Art Unit 1792	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/14/07 have been fully considered but they are not persuasive. Applicant amended the claims to put the subject matter of claim 3 into claim 1. Specifically, applicant asserts that it is not known to rotate a drum in opposite directions while controlling an operation of the pumping unit.
2. Examiner presented art that showed a horizontal drum type washing machine that possesses a recirculation unit. Examiner initially stated that a motor for rotating the drum is inherent. Horizontal-drum washing machines agitate the clothes by rotating the drums in opposite directions. Examiner disagrees that it is not known to rotate drums in opposite directions. One example of such a motor is U.S. Patent 6,612,138 to Ryu et al. Many other prior art examples exist. Thus, examiner maintains that such a motor is inherent or, in the very least, an obvious modification.
3. In regards to the function of rotating the drum in opposite directions *while* operating a recirculation unit, examiner reminds the applicant that the manner in which an apparatus operates is not germane to the issue of patentability of the apparatus itself. *Ex parte Wikdahl* 10 USPQ 2d 1546, 1548 (BPAI 1989); *Ex parte McCullough* 7 USPQ 2d 1889, 1891 (BPAI 1988); *In re Finsterwalder* 168 USPQ 530 (CCPA 1971); *In re Casey* 152 USPQ 235, 238 (CCPA 1967). Furthermore, apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch & Lomb Inc.* 15 USPQ 2d 1525 (Fed. Cir. 1990); *Demaco Corp. v. F. Von Langsdorf Licensing Ltd.* 7 USPQ 2d 1222, 1224-1225 (Fed. Cir. 1988). Frucco discloses the recirculation unit, the

drum, the tub, as well as a control unit that activates various electronic components in the machine. Applicant concedes that the motor is inherent. Thus, the examiner believes the device to be fully capable of performing said function.

***Claim Rejections - 35 USC § 102***

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Frucco. Frucco discloses a washing machine with a drum 14 rotatably mounted in tub 4 along with a circulation pump 12 connected to a recirculation conduit 9 for pumping water contained in a lower part of the machine 6 back into the drum 14 (col. 2 lines 18-25). Frucco discloses that the water is sprayed (col. 2 line 23), and therefore a nozzle or equivalent fluid delivery device is inherent. Although Frucco does not disclose a motor for rotating the drum, the use of a motor to rotate said drum is inherent and Frucco does state that a control mechanism 17 automatically energizes or deenergizes the various electronic components in the washing machine such as the pump and presumably the motor, which is present in virtually every commercially available washing machine. Said control mechanism 17 is also used for controlling the amount of water to deliver to the tub as well as determining the amount of laundry (col. 4 line 28-30). The manner in which an apparatus operates is not germane to the issue of patentability of the apparatus itself. *Ex parte Wikdahl* 10 USPQ 2d 1546, 1548 (BPAI 1989); *Ex parte McCullough* 7 USPQ 2d 1889, 1891 (BPAI 1988); *In re Finsterwalder* 168 USPQ 530 (CCPA 1971); *In re Casey* 152 USPQ 235, 238 (CCPA 1967). Furthermore, apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. v. Bausch*

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& *Lomb Inc.* 15 USPQ 2d 1525 (Fed. Cir. 1990); *Demaco Corp. v. F. Von Langsdorf Licensing Ltd.* 7 USPQ 2d 1222, 1224-1225 (Fed. Cir. 1988). Frucco discloses the recirculation unit, the drum, the tub, as well as a control unit that activates various electronic components in the machine. Thus, the examiner believes the device to be fully capable of performing the same functions.

***Claim Rejections - 35 USC § 103***

5. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Frucco in view of Uhlin. Frucco discloses a washing machine capable of determining proper fluid amount for washing. Although amount of wash fluid is directly proportional to water level, Frucco does not disclose a water level sensing apparatus. Numerous references disclose the use of water level sensors in washing machines to ensure minimum levels are met or to prevent overfilling and their mere implementation cannot be considered novel. Uhlin discloses a standard drum-type washing machine, similar to that of Frucco and the applicant's claimed invention, with level sensing means 15, 16, and 17. This type of sensor is capable of determining water level when the fluid level is stabilized, such as when the motor and pump are stopped. It would have been obvious at the time of the invention to modify Frucco and include a water level sensor, as taught by Uhlin, in order to monitor the water level in the washing machine so as to ensure a minimum level is met and prevent overfilling.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frucco. Frucco discloses that the control mechanism can control the various aspects of the laundering operation in response to the *selected* laundering programs in accordance

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with the characteristics, such as fabric type, and amount of laundry to be laundered (col. 4 lines 33-44). Duration and operation of pump recirculation is considered to be a standard wash parameter and it is disclosed that the control mechanism controls pump operation as well as the operation of the other electric devices in the machine related to any *selected* laundering program (col. 2 lines 43-49). Frucco does not disclose a key input unit provided with wash course buttons or fabric type buttons but, as stated previously, implies that the user can *select* various laundering programs in accordance with these features. Furthermore, keypads, knobs, and other input devices are notoriously well known in the art for inputting such information to washing machine control mechanisms and their mere inclusion cannot be considered novel. It would have been obvious at the time of the invention to modify Frucco and include a key-input device so that the use may input the characteristics of the wash load into the control mechanism.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,612,138 to Ryu et al. This publication shows the well-known motor that oscillates the drum in opposite directions. A recirculation system is also disclosed.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER